

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KAREN KRISTY SILVIO,
Plaintiff,

v.

OCWEN LOAN SERVICING, *et al.*,
Defendants.

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CIVIL ACTION NO. H-14-3065

MEMORANDUM AND ORDER

This case is before the Court on the Application for Temporary Restraining Order (“TRO”) [Doc. # 29] filed by Plaintiff *pro se* Karen Kristy Silvio. This is Silvio’s second Application for a Temporary Restraining Order seeking to enjoin her eviction following foreclosure in July 2014. As noted in the Memorandum and Order denying the first TRO application, a temporary restraining order requires: “(1) a substantial likelihood of success on the merits, (2) a substantial threat of irreparable injury if the injunction is not issued, (3) that the threatened injury if the injunction is denied outweighs any harm that will result if the injunction is granted, and (4) that the grant of an injunction will not disserve the public interest.” *See* Memorandum and Order entered December 4, 2014 (quoting *Janvey v. Alguire*, 647 F.3d 585, 595 (5th Cir. 2011); *Byrum v. Landreth*, 566 F.3d 442, 445 (5th Cir. 2009)).


In this case, Silvio has failed to demonstrate a substantial likelihood that she will succeed on the merits of her claims because they are likely barred by *res judicata*. *See id.* at 2-3. This is Silvio's second lawsuit attempting to avoid foreclosure and eviction. The first lawsuit, *Silvio v. Ocwen Loan Servicing, LLC, et al.*, Civil Action No. H-13-3159, was dismissed by the Honorable Vanessa D. Gilmore by Order entered January 14, 2014. Silvio's post-dismissal motions in that case were denied by Judge Gilmore in Orders entered April 1, 2014, and April 28, 2014.

To the extent any claims are not barred by *res judicata*, Plaintiff has failed to demonstrate a likelihood of success on the merits of those claims because they are likely barred by controlling Fifth Circuit legal authority. Accordingly, it is hereby

ORDERED that Plaintiff's Application for Temporary Restraining Order [Doc. # 29] is **DENIED**. It is further

ORDERED that Plaintiff's letter request for leave to file electronically [Doc. # 30] is **DENIED**. If Plaintiff provides the Court with a valid email address, the Court will send copies of orders to that address. Plaintiff cannot, however, be permitted to file electronically because she has not completed the necessary training.

SIGNED at Houston, Texas, this **30th** day of **April, 2015**.


Nancy F. Atlas
United States District Judge